

GOVERNMENT OF TELANGANA  
ABSTRACT

Tribal Welfare Department - Revision Petition filed by Smt. Boyapati Venkata Laxmi W/o Laxmaiah and three others R/o Rajupeta (V), Narsampet (M), Waranagal District against the orders of Additional Agent to Government, Eturunagaram, Warangal District in case no LTR /Appeal/8/05 dt 28.02.2006 - Rejected - Orders - Issued.

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TRIBAL WELFARE (LTR) DEPARTMENT

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G.O.Ms.No. 9

Dated: 16-01-2019,  
Read the following:-

- 1) Orders of the Additional Agent to Government, Eturunagaram, Warangal District in Case No. LTR /Appeal/8/05 dt 28.02.2006
- 2) Revision Petition filed by Smt. Boyapati Venkata Laxmi W/o Laxmaiah and three others R/o Rajupeta (V) Narsampet (M) Waranagal District, Dt:17.04.2006.
- 3) Govt.Memo.No .4191/LTR.2/2006, dt 22.06.2006.
- 4) From the Additional Agent to Govt., Eturunagaram, Warangal District Lr. No.1702/M(SW)2006, dt 25.04.2006
- 5) Govt.Memo & Letter.No.4191/LTR-2/2006, Dt:12.09.2008, 22.06.2009,06.05.2010,15.06.2017,29.08.2017.
- 6) Written Arguments filed by the Petitioner dt:15.02.2018.

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ORDER

In the reference 2<sup>nd</sup> read above, Smt. Boyapati Venkata Laxmi W/o Laxmaiah and three others R/o Rajupeta (V), Narsampet (M), Warangal District has filed by Revision Petition through their Counsel before the Government aggrieved by the orders of the Additional Agent to Government, Eturunagaram, Warangal District in Case No.LTR /Appeal/8/05 dt 28.02.2006 in Sy.No.117/1/536 to an extent of 1-36 Acres situated at Rajupet Village, Narsampet Mandal, Warangal District.

2. In the reference 3<sup>rd</sup> read above, Government have Stayed the orders of Project Officer 1<sup>st</sup> cited above and the Collector, Warangal and the Project Officer & Additional Agent to Government, Warangal District were requested to furnish Para Wise Remarks and connected case records and in the reference 4<sup>th</sup> read above the Additional Agent to Government, Eturunagaram, Warangal District has furnished Para Wise Remarks and connected case records has furnished Para Wise Remarks and connected case records.

3. The Main grounds of the Revision Petitioners are as follows:

- The orders passed by the both the Courts below are bad in law and contrary to the material on record.
- The order passed by the Lower Appellate Court is liable to be set aside on the ground of violation of principles of natural justice as no reasons were assigned in dismissing the Appeal.
- The Lower Appellate Court failed to appreciate the grounds raised in the Appeal. The Lower Appellate Court did not decide the case on its merits and no reasons of whatsoever nature were assigned in dismissing the Appeal.
- The Court below ought to have seen that the petitioner has raised specific grounds in the Grounds of appeal stating inter-alia that the provisions of Regulation 1 of 1959 has no application since the land where the rice mill was constructed is not located in the schedule area.
- Further the Courts below ought to have seen that there is no transfer of land to attract the provisions of Se.3 of Regulation 1 of 1959. As such the proceedings initiated by the original authority viz., the Special Deputy Collector (TW), Eturunagaram, Warangal District is liable to be set aside. Even if it is assumed that there was a transfer that was effected prior to 1970. As such the provisions of Sec.3 of Regulation 1 of 1959 has no application.

[p.t.o]

- The Lower Appellate Court erred in stating in the body of the order that the transfer was effected in favour of 1) Komandla Bhupal Rao, 2) Madhasi Venkateswarlu, 3) Mulugu Narsing Rao 4) Annamaneni Ramchander. The above referred persons are not even parties to the Appeal nor any transfer was effected in their favour in respect of SY.No.117/1/536. Infact, the above referred persons are parties in respect of Appeal No.5/2005 and the disposal of the appeal by the appellate authority demonstrate that the order was passed mechanically without considering the merits and without application of mind. On this ground alone, the impugned order dt.28.02.2006 is liable to be set aside.
- Both the courts erred in appreciating the material on record and also failed to appreciate the contentions/Grounds raised by the petitioner and erroneously passed the ejectment order.

4 The remarks of the Project Officer, ITDA, Eturunagaram and the Additional Agent to Government, Warangal District on the Revision Petition are as follows:

- In accordance with the Government orders the industries setup in scheduled area, the benefit will be extended only to the scheduled tribes. In accordance with the provision of LTR 1959 as amended in 1970 section 3(1), the both the courts below or passed orders which is not bad in law and contrary to the material on record.
- The petitioner approached to the appellant authority i.e., respondent No.2 (AAG, Eturunagaram,) The appellate authority disposed the appeal after giving a reasonable opportunity, in accordance with the provision of LTR 1959 as amended in 1970 section 3(1), dismissed and the authority of the passing order and stay appeal does not arise.
- The Lower Appellate Court decided the case on its demerits as long as their petitioner is contrary to the regulations, they do not have any valid right or title to continue in the possession of land.
- The subject matter of the case situated in scheduled areas as such except the tribals, the non-tribals have no right to be in a possession of the land as per section 3(1) (A) (APSALT) Regulation Act 1 (1959) as amended by act 1/1970.
- It is submit that Section 2(g) of A.P Scheduled Area Land Transfer Regulation 1959 as amended in 1970 transfer means Mortgage with or without possession, lease, sale, gift exchange or any other dealing with the immovable property. Not being a testamentary disposition and includes a change on such property or a contract relating to such property in respect of such mortgage, lease, sale gift exchange or other dealing.
- The Honourable Supreme Court in its Civil Appeal number 4601 and 4602 of 1997 with civil appeal number 4603 of 1997 decided on 11-7-1997 in “**Samatha V/s State of A.P and others**” clarified the word person denoted in Section 3(1) of regulations includes the state government. The State Government also stands to prohibited to transfer by way of lease or any form known to law.
- Therefore the petitioner violated the Land Transfer Regulation of assignment rules in force.
- Orders was passed the transfer was effected in favour of 1) Sri.Komandla Bhupala Rao, 2) Sri Madasi Venakteshwarlu, 3) Sri. Mulugu Narsinga Rao, 4) Sri Annamaneni Ramchandrar by over sight as they are not even parties to the appeal nor any transfer was effected in their favour in respect of SY.No.117/1/536. Accordingly a revised court orders from the Court of Additional Agent to State Government, Project Officer, ITDA, Eturnagaram, was issued vide order No.LTR/Appeal No.8/05, Dated:03.03.2006.

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- The Special Deputy Collector(TW), Eturunagaram, after due enquiry decided the petitioners have violated the provision of section 3(1) (b) and (4) of Regulation 1 of 1959 as amended in 1970, the Lower Appellate authority also upheld the order of the Special Deputy Collector (TW), Eturunagaram, Warangal District.

5. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before the authority as well as before the Additional Agent to Government, observed that:

- Perused the entire case records, wherein, orders passed by the Lower Court, the appellate authority and also the grounds urged by the Petitioner in the petition in the revision petition and did not see any valid (or) substantiating grounds in the revision petition filed by petitioner.
- Further the Revision Petitioner constructed Rice Mill in the assigned agriculture land against assignment spirit.

6. Government therefore after careful examination of the matter here by rejects the Revision Petition filed by Smt. Boyapati Venkata Laxmi & three others, Narsampet Mandal, Warangal District through their Counsel before the Government aggrieved by the orders of the Additional Agent to Government, Eturunagaram, Warangal District in Case No. LTR /Appeal/8/05 dt 28.02.2006 in respect of the land in Sy.No.117/1/536 to an extent of 1-36 Acres situated at Rajupet Village, Narsampet Mandal, Warangal District and the orders of the Additional Agent to Government, Warangal District are upheld.

7. The Additional Agent to Government and Project Officer, ITDA, Warangal District shall take necessary further action accordingly. The original case records received in the reference 4<sup>th</sup> read above are returned herewith.

(BY ORDER AND IN THE NAME OF GOVERNOR OF TELANGANA)

BENHUR MAHESH DUTT EKKA,  
SECRETARY TO GOVERNMENT

To

- 1) Smt.Boyapati Venkata Laxmi,W/o Laxmaiah  
R/o Rajupet Village, Narsampet Mandal,  
Warangal District.
- 2)Sri Gopal Padma, W/o Mohan Rao,  
R/o Rajupet Village, Narsampet Mandal,  
Warangal District.
- 3)Smt.Narsireddy Vijaya Rani, W/o Sharabaiah,  
R/o Sarwapur Village, Narsampet mandal,  
Warangal District.
- 4)M/s Usha Kiran Industries (Rice mill)  
Represented by Pollelly Ramchandraiah, Managing Partner,  
R/o Narsampet Village & Mandal,  
Warangal District.

The Project Officer, ITDA and Additional Agent to Government,  
Eturunagaram, Warangal District (w.e.)

Copy to :

The District Collector, Warangal for information.

The Special Deputy Collector(TW Eturunagaram, Warangal District.  
for information and necessary action.

The Tahsildar, Narsampet, Warangal District.

Sri A.Prabhakar Rao, & M.Durga Prasad, Advocates,  
Plot No.252 A, Opp:SBI, MLA Colony,

Road No.12, Banjara Hills, Hyderabad-34. Ph.No.9391048677.

P.S to M(TW)/P.S. to Secretary(TW)

SF/SC

// FORWARDED:: BY ORDER //

SECTION OFFICER